IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.150 OF 2005

Mr.Canute D'Souza. ..Petitioner.
V/s.
Parsarampuria Plantations Ltd. ..Respondent co.

Mr.R.D.Suvarna for petitioner.

Mr.Prashant Pursuram Puria for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 12, 2005.

P.C. :

1. Heard counsel for the parties. Perused the pleadings.

2. Prima facie, there is substance in the grievance made by the petitioner in this petition. After hearing counsel for the parties for some time, counsel for the respondent fairly accepts that the respondent is liable to pay sum of Rs.1,85,000/- to the petitioner. However, according to the respondent, the said amount will be paid in 12 equal monthly instalments. In my opinion, offer made by the respondent is not reasonable for the small amount involved in the petition. There is no reason to show indulgence, as prayed. In the circumstances, I proceed to pass following order.

(i) The respondent shall pay sum of Rs.1,85,000/- to the petitioner in 6 equal monthly instalments.

(ii) The first instalment of Rs.35,000/- to be paid immediately within two weeks from today and the remaining five instalments will be paid on or before 10th of every English Calender Month, commencing from 1st September, 2005.

(iii) If there is default in payment of any of the instalments, company petition will stand admitted and it will be open to the petitioner to advertise and publish admission of the petition.

(iv) However, if all the instalments are paid in time, Company petition will stand disposed of.

(v) To ensure that first two instalments are paid in time, matter to be placed on 15th September, 2005, under caption "settlement".